

Rubin, S.

MICHAEL FAILLACE & ASSOCIATES, P.C.
 Michael Faillace [MF-8436]
 110 East 59th Street, 32nd Floor
 New York, New York 10022
 (212) 317-1200
Attorneys for Plaintiffs

USDS SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #: _____
DATE FILED: <u>4/6/2012</u>

UNITED STATES DISTRICT COURT
 SOUTHERN DISTRICT OF NEW YORK

-----X

MANUEL ANGAMARCA and LIVIO
 ANGAMARCA, *individually and on behalf of others
 similarly situated,*

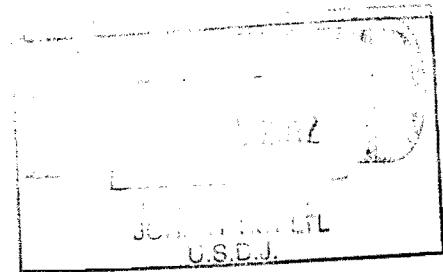
11 CV 7777 (JGK)

Plaintiffs,

-against-

PITA GRILL 7 INC. (d/b/a PITA GRILL EAST), 291
 SEVENTH FOOD CORP. (d/b/a PITA GRILL),
 PITAGRILLNYC CORP. (d/b/a PITA GRILL), PITA
 GRILL MANAGEMENT CO., INC. (d/b/a PITA
 GRILL), BENNETT ORFALY, AKBAR HOSSAIN,
 SHAHJAHAR MAHMUD and WAYNE
 MURATORE,

Defendants.



-----X

ORDER TO SHOW CAUSE

✓ Upon the affirmation of Michael A. Faillace dated April ___, 2012 and attached exhibits, it
 is ORDERED:

That the above named Defendants show cause before a motion term of this Court, at
 Room 12B United States Courthouse, 500 Pearl Street, in the City, County and State of New
 York, on April 27, at 2:30 o'clock in the aft noon thereof, or as soon thereafter as
 counsel may be heard, why a judgment of default should not be entered pursuant to Rule 55 of
 the Federal Rules of Civil Procedure against the Defendants; and it is further

✓ ORDERED that service of a copy of this Order and annexed affirmation and exhibits upon the Defendants on or before 5:00 o'clock in the after noon on April 10, 2012, shall be deemed good and sufficient service.

The Defendants are advised that failure to respond to the Order to Show Cause may be grounds for granting of a default judgment against them, in which event the Defendants will have no trial.

✓ The Plaintiffs shall file proof of service of this Order to Show Cause by

April 17, 2012.

✓ Dated: New York, New York
April 5, 2012

MICHAEL FAILLACE & ASSOCIATES, P.C.

By: _____ /s/
Michael Faillace [MF-8436]
110 East 59th Street, 32nd Floor
New York, New York 10022
(212) 317-1200
Attorneys for Plaintiffs

To:

PITA GRILL 7 INC. (d/b/a PITA GRILL EAST)
1570 First Avenue
New York, NY 10028

291 SEVENTH FOOD CORP. (d/b/a PITA GRILL)
291 Seventh Avenue
New York, NY 10001

PITAGRILLNYC CORP. (d/b/a PITA GRILL)
1083 Second Avenue
New York, NY 10022

PITA GRILL MANAGEMENT CO., INC. (d/b/a PITA GRILL)
299 Broadway, Suite 1818
New York, NY 10007

BENNETT ORFALY

SO ORDERED:

Jur 6/ getal
U.S.D.J.
4/5/12

299 Broadway, Suite 1818
New York, NY 10007

AKBAR HOSSAIN
85-38 257th Street
Floral Park, NY 11001

SHAHJAHAR MAHMUD
50-23 65th Place
Woodside, NY 11377

WAYNE MURATORE
1083 Second Avenue
New York, NY 10022

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X

MANUEL ANGAMARCA and LIVIO
ANGAMARCA, *individually and on behalf of*
others similarly situated,

11 CV 7777 (JGK)

Plaintiffs,

CLERK'S CERTIFICATE

-against-

PITA GRILL 7 INC. (d/b/a PITA GRILL
EAST), 291 SEVENTH FOOD CORP. (d/b/a
PITA GRILL), PITAGRILLNYC CORP.
(d/b/a PITA GRILL), PITA GRILL
MANAGEMENT CO., INC. (d/b/a PITA
GRILL), BENNETT ORFALY, AKBAR
HOSSAIN, SHAHJAHAR MAHMUD and
WAYNE MURATORE,

Defendants.

-----X

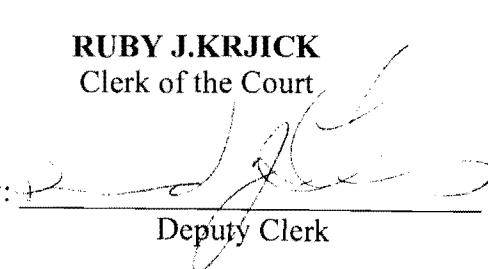
I, RUBY J. KRAJICK, Clerk of the United States District Court for the Southern District of New York, do hereby certify that this action commenced on November 1, 2011 with the filing of a summons and complaint; a copy of the summons and complaint was served, pursuant to Fed. R. Civ. P. ("FRCP") 4(e) (1) (delivering a copy of each to an agent authorized by appointment or by law to receive service of process) on Defendant Pita Grill 7 Inc., and proof of such service thereof was filed on January 9, 2012.

I further certify that the docket entries indicate that the Defendants have not filed an Answer or otherwise moved with respect to the complaint herein. The default of the Defendant is hereby noted.

Dated: New York, New York
April 2, 2012

RUBY J.KRJICK
Clerk of the Court

By:


Deputy Clerk

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X

MANUEL ANGAMARCA and LIVIO
ANGAMARCA, *individually and on behalf of*
others similarly situated,

Plaintiffs,

11 CV 7777 (JGK)

-against-

CLERK'S CERTIFICATE

PITA GRILL 7 INC. (d/b/a PITA GRILL
EAST), 291 SEVENTH FOOD CORP. (d/b/a
PITA GRILL), PITAGRILLNYC CORP.
(d/b/a PITA GRILL), PITA GRILL
MANAGEMENT CO., INC. (d/b/a PITA
GRILL), BENNETT ORFALY, AKBAR
HOSSAIN, SHAHJAHAR MAHMUD and
WAYNE MURATORE,

Defendants.

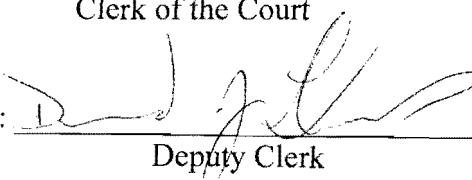
-----X

I, RUBY J. KRAJICK, Clerk of the United States District Court for the Southern District of New York, do hereby certify that this action commenced on November 1, 2011 with the filing of a summons and complaint; a copy of the summons and complaint was served, pursuant to Fed. R. Civ. P. ("FRCP") 4(e) (1) (delivering a copy of each to an agent authorized by appointment or by law to receive service of process) on Defendant 291 Seventh Food Corp., and proof of such service thereof was filed on January 9, 2012.

I further certify that the docket entries indicate that the Defendants have not filed an Answer or otherwise moved with respect to the complaint herein. The default of the Defendant is hereby noted.

Dated: New York, New York
April 2, 2012

RUBY J.KRJICK
Clerk of the Court

By: 
Deputy Clerk

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X

MANUEL ANGAMARCA and LIVIO
ANGAMARCA, *individually and on behalf of
others similarly situated,*

11 CV 7777 (JGK)

Plaintiffs,

CLERK'S CERTIFICATE

-against-

PITA GRILL 7 INC. (d/b/a PITA GRILL
EAST), 291 SEVENTH FOOD CORP. (d/b/a
PITA GRILL), PITAGRILLNYC CORP.
(d/b/a PITA GRILL), PITA GRILL
MANAGEMENT CO., INC. (d/b/a PITA
GRILL), BENNETT ORFALY, AKBAR
HOSSAIN, SHAHJAHAR MAHMUD and
WAYNE MURATORE,

Defendants.

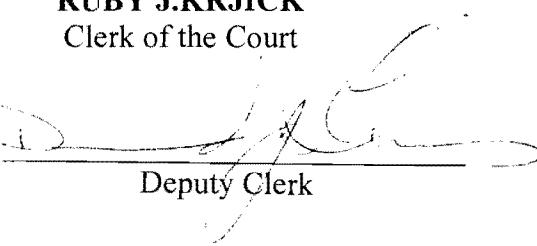
-----X

I, RUBY J. KRAJICK, Clerk of the United States District Court for the Southern District of New York, do hereby certify that this action commenced on November 1, 2011 with the filing of a summons and complaint; a copy of the summons and complaint was served, pursuant to Fed. R. Civ. P. ("FRCP") 4(e) (1) (delivering a copy of each to an agent authorized by appointment or by law to receive service of process) on Defendant Pita Grill NYC Corp., and proof of such service thereof was filed on January 9, 2012.

I further certify that the docket entries indicate that the Defendants have not filed an Answer or otherwise moved with respect to the complaint herein. The default of the Defendant is hereby noted.

Dated: New York, New York
April 2, 2012

RUBY J.KRJICK
Clerk of the Court

By: 

Deputy Clerk

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X

MANUEL ANGAMARCA and LIVIO
ANGAMARCA, *individually and on behalf of*
others similarly situated,

11 CV 7777 (JGK)

Plaintiffs,

CLERK'S CERTIFICATE

-against-

PITA GRILL 7 INC. (d/b/a PITA GRILL
EAST), 291 SEVENTH FOOD CORP. (d/b/a
PITA GRILL), PITAGRILLNYC CORP.
(d/b/a PITA GRILL), PITA GRILL
MANAGEMENT CO., INC. (d/b/a PITA
GRILL), BENNETT ORFALY, AKBAR
HOSSAIN, SHAHJAHAR MAHMUD and
WAYNE MURATORE,

Defendants.

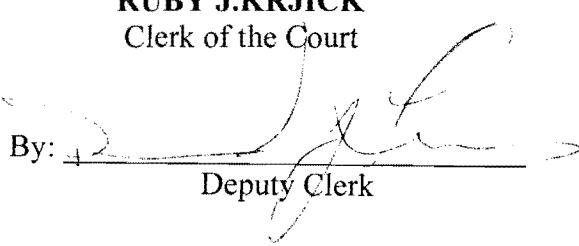
-----X

I, RUBY J. KRAJICK, Clerk of the United States District Court for the Southern District of New York, do hereby certify that this action commenced on November 1, 2011 with the filing of a summons and complaint; a copy of the summons and complaint was served, pursuant to Fed. R. Civ. P. ("FRCP") 4(e) (1) (delivering a copy of each to an agent authorized by appointment or by law to receive service of process) on Defendant Pita Grill Management Co., Inc., and proof of such service thereof was filed on January 9, 2012.

I further certify that the docket entries indicate that the Defendants have not filed an Answer or otherwise moved with respect to the complaint herein. The default of the Defendant is hereby noted.

Dated: New York, New York
April 2, 2012

RUBY J.KRJICK
Clerk of the Court

By: 

Deputy Clerk

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X

MANUEL ANGAMARCA and LIVIO
ANGAMARCA, *individually and on behalf of
others similarly situated.*

Plaintiffs,

-against-

PITA GRILL 7 INC. (d/b/a PITA GRILL
EAST), 291 SEVENTH FOOD CORP. (d/b/a
PITA GRILL), PITAGRILLNYC CORP.
(d/b/a PITA GRILL), PITA GRILL
MANAGEMENT CO., INC. (d/b/a PITA
GRILL), BENNETT ORFALY, AKBAR
HOSSAIN, SHAHJAHAR MAHMUD and
WAYNE MURATORE,

Defendants.

-----X

11 CV 7777 (JGK)

ECF Case

FLSA Collective Action

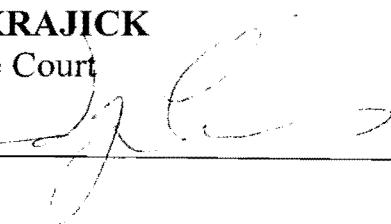
CERTIFICATE OF DEFAULT

I, RUBY J. KRAJICK, Clerk of the United States District Court for the Southern District of New York, do hereby certify that this action was commenced on November 1, 2011 with the filing of a summons and complaint; a copy of the summons and complaint was served, pursuant to Fed. R. Civ. P. 4(e) (1), on Defendant Bennett Orfaly by personal delivery in accordance with the requirements of New York CPLR § 308(1), and proof of such service on the said Defendant was filed on April 2, 2012.

I further certify that the docket entries indicate that the above named Defendant has not filed an answer or otherwise moved with respect to the complaint herein. The default of the Defendant is hereby noted.

Dated: New York, New York
April 2, 2012

RUBY J. KRAJICK
Clerk of the Court

By: 
Deputy Clerk

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X

MANUEL ANGAMARCA and LIVIO
ANGAMARCA, *individually and on behalf of
others similarly situated,*

Plaintiffs,

-against-

PITA GRILL 7 INC. (d/b/a PITA GRILL
EAST), 291 SEVENTH FOOD CORP. (d/b/a
PITA GRILL), PITAGRILLNYC CORP.
(d/b/a PITA GRILL), PITA GRILL
MANAGEMENT CO., INC. (d/b/a PITA
GRILL), BENNETT ORFALY, AKBAR
HOSSAIN, SHAHJAHAR MAHMUD and
WAYNE MURATORE,

Defendants.

-----X

11 CV 7777 (JGK)

ECF Case

FLSA Collective Action

CERTIFICATE OF DEFAULT

I, RUBY J. KRAJICK, Clerk of the United States District Court for the Southern District of New York, do hereby certify that this action was commenced on November 1, 2011 with the filing of a summons and complaint; a copy of the summons and complaint was served, pursuant to Fed. R. Civ. P. 4(e) (1), on Defendant Wayne Muratore by personal delivery in accordance with the requirements of New York CPLR § 308(1), and proof of such service on the said Defendant was filed on April 2, 2012.

I further certify that the docket entries indicate that the above named Defendant has not filed an answer or otherwise moved with respect to the complaint herein. The default of the Defendant is hereby noted.

Dated: New York, New York

April 2, 2012

RUBY J. KRAJICK

Clerk of the Court

By: J. G. K.
Deputy Clerk

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X

MANUEL ANGAMARCA and LIVIO
ANGAMARCA, *individually and on behalf of
others similarly situated.*

Plaintiffs,

-against-

PITA GRILL 7 INC. (d/b/a PITA GRILL
EAST), 291 SEVENTH FOOD CORP. (d/b/a
PITA GRILL), PITAGRILLNYC CORP.
(d/b/a PITA GRILL), PITA GRILL
MANAGEMENT CO., INC. (d/b/a PITA
GRILL), BENNETT ORFALY, AKBAR
HOSSAIN, SHAHJAHAR MAHMUD and
WAYNE MURATORE,

Defendants.

-----X

11 CV 7777 (JGK)

ECF Case

FLSA Collective Action

CERTIFICATE OF DEFAULT

I, RUBY J. KRAJICK, Clerk of the United States District Court for the Southern District of New York, do hereby certify that this action was commenced on November 1, 2011 with the filing of a summons and complaint; a copy of the summons and complaint was served, pursuant to Fed. R. Civ. P. 4(e) (1), on Defendant Akbar Hossain by personal delivery in accordance with the requirements of New York CPLR § 308(1), and proof of such service on the said Defendant was filed on April 2, 2012.

I further certify that the docket entries indicate that the above named Defendant has not filed an answer or otherwise moved with respect to the complaint herein. The default of the Defendant is hereby noted.

Dated: New York, New York

April 2, 2012

RUBY J. KRAJICK

Clerk of the Court

By: J. F. K.

Deputy Clerk

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

-X

MANUEL ANGAMARCA and LIVIO
ANGAMARCA, *individually and on behalf of
others similarly situated,*

11 CV 7777 (JGK)

Plaintiffs,

ECF Case

-against-

FLSA Collective Action

PITA GRILL 7 INC. (d/b/a PITA GRILL EAST), 291 SEVENTH FOOD CORP. (d/b/a PITA GRILL), PITAGRILLNYC CORP. (d/b/a PITA GRILL), PITA GRILL MANAGEMENT CO., INC. (d/b/a PITA GRILL), BENNETT ORFALY, AKBAR HOSSAIN, SHAHJAHAR MAHMUD and WAYNE MURATORE.

Defendants.

-x

I, RUBY J. KRAJICK, Clerk of the United States District Court for the Southern District of New York, do hereby certify that this action was commenced on November 1, 2011 with the filing of a summons and complaint; a copy of the summons and complaint was served, pursuant to Fed. R. Civ. P. 4(e) (1), on Defendant Shahjahar Mahmud by personal delivery in accordance with the requirements of New York CPLR § 308(1), and proof of such service on the said Defendant was filed on April 2, 2012.

I further certify that the docket entries indicate that the above named Defendant has not filed an answer or otherwise moved with respect to the complaint herein. The default of the Defendant is hereby noted.

Dated: New York, New York
April 2, 2012

RUBY J. KRAJICK
Clerk of the Court

By:
Deputy Clerk